

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

LAWRENCE HAMILTON;
GOKB-MISSISSIPPI, LLC; and
GOKB-MURFEESBORO, LLC,

Plaintiffs,

v.

ORDER

Civil File No. 19-1426 (MJD/ECW)

FRANCHOICE, INC. and
TOM SCARDA,

Defendants.

Based upon the Report and Recommendation by United States Magistrate Judge Elizabeth Cowan Wright dated December 19, 2019, all the files and records, and no objections having been filed to said Report and Recommendation, **IT IS HEREBY ORDERED:**

1. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Elizabeth Cowan Wright dated December 19, 2019 [Docket No. 47].
2. Defendants' Motion for Partial Dismissal Pursuant to Rule 12(b)(6) [Docket No. 12] is **GRANTED IN PART** and **DENIED IN PART** as follows:

- a. Defendants' Motion is **GRANTED** as to Plaintiffs' claims under the Minnesota Franchise Act and the Mississippi Franchise Law, and those claims are **DISMISSED WITHOUT PREJUDICE**; and
- b. Defendants' Motion is **DENIED** as to Plaintiffs' claim under the New York Franchise Sales Act.

Dated: January 16, 2020

s/ Michael J. Davis

Michael J. Davis

United States District Court